

REMARKS

Claims 1-28 are pending in the application. Claims 1-28 currently stand rejected. No claims are amended herein. The Applicant respectfully requests allowance of claims 1-28 and consideration of the following remarks.

35 U.S.C. § 103(a) Rejections

Claims 1-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0157646 (Addagatla), in view of U.S. Patent Application Publication No. 2005/0070230 (Das). The Applicant respectfully traverses the rejection for at least the following reasons.

Claim 1 recites, in part, an end communication device that transmits a call request message to a call processing system that includes priority information for the call. The call processing system processes the call request message to determine if the call request message is for a high priority call. Upon determining that the call request message is not for a high priority call, the call processing system sends a response message to the end communication device indicating a state of congestion in the call processing system responsive to the response message.

In contrast, Addagatla and Das, separately and in combination, fail to teach a call processing system transmitting a response message to an end communication device indicating a state of congestion in the call processing system and the end communication device performing call blocking on calls to be handled by the call processing system responsive to the response message.

In particular, Addagatla does not teach sending a response message indicating a *state of congestion in the call processing system*. A state of congestion in a call processing system is very different from the bandwidth throttling that is disclosed in Addagatla. Call processing congestion is based on the call processing system's ability to handle additional call requests (Specification, page 10, lines 15-21). Conversely, Addagatla teaches that the return message sent from the routers/destination device indicates the maximum data transfer rates of the routers/destination device (paragraph 0073). The return message sent from the routers/destination device does not indicate that the routers/destination device cannot handle additional call requests. Since the response

message in claim 1 indicates a state of congestion in the call processing system and the return message in Addagatla indicates a maximum data transfer rate, Addagatla does not disclose sending a response message indicating a state of congestion in the call processing system.

Similar to Addagatla, Das does not disclose a call processing system sending a response message indicating a *state of congestion in the call processing system*. A state of congestion in a call processing system is very different from high link utilization disclosed in Das. Call processing congestion is based on the call processing system's ability to handle additional call requests (Specification, page 10, lines 15-21).

Conversely, in Das, the softswitch 112₂ sends a reject message based on high link utilization (paragraph 0023, 0034, and 0036) for paths in the network. The reject message sent by the softswitch 112₂ does not indicate that the softswitch 112₂ cannot handle additional call requests. Instead, the reject message indicates high link utilization on paths in the network. Therefore, Das fails to disclose sending a response message indicating a state of congestion in the call processing system as required by claim 1.

Thus, even the combination of Addagatla and Das fails to teach a call processing system sending response message indicating a state of congestion in the call processing system. Claim 1 is therefore patentable over the cited references.

Moreover Addagatla and Das fail to teach an end communication device performing call blocking on *calls* to be handled by the call processing system responsive to the response message. Addagatla does not disclose call blocking. Das does disclose call blocking. However, Das only discloses blocking of a single call in response to the reject message. Das in Figures 3B and 3C discloses that if the second softswitch 112₂ decides to perform call blocking (Steps 328 and 334), the second soft switch 112₂ sends a reject message to the first softswitch 112₁ and the call is cleared (Steps 346 and 350). However, the first softswitch 112₁ only blocks a single call (the call associated with the initial SIP invite message) in response to the reject message. In contrast, claim 1 requires the end communication device performing call blocking on *calls* responsive to the response message. Blocking a single call in response to a reject message is not the same as blocking calls responsive to the response message. Since the first softswitch 112₁ only blocks a single call in response to the reject message, Das does not disclose an end

communication device performing call blocking on *calls* to be handled by the call processing system responsive to the response message as required by claim 1.

Thus, even the combination of Addagatla and Das fail to teach an end communication device performing call blocking on calls to be handled by the call processing system responsive to the response message. Claim 1 is therefore patentable over the cited references.

In addition, Addagatla and Das fail to teach an end communication device that is configured to stop call blocking responsive to a message indicating that the call processing system is no longer in the state of congestion as required by claim 6. Addagatla does not perform call blocking. In Das, the first softswitch 112₁ does not disable call blocking when the reject message is received from the second softswitch 112₂ (Figure 3C, Step 350). Instead the first softswitch 112₁ blocks a call. Therefore, even the combination of Addagatla and Das fail to disclose an end communication device that is configured to stop call blocking responsive to a message indicating that the call processing system is no longer in the state of congestion. Claim 6 is therefore patentable over the cited references.

Based on the foregoing comments, the Applicant contends that claim 1 is allowable in view of the cited references, and such indication is respectfully requested. Claim 15 was rejected for similar reasons as claim 1. Claim 15 contains limitations similar to claim 1 and is therefore allowable over the art of record for the same reasons as claim 1. Claims 2-14 depend from independent claim 1, and claims 16-28 depend from independent claim 15, thus incorporating the limitations of their corresponding independent claims. Therefore, the Applicant asserts that claims 2-14 and 16-28 are allowable for at least the reasons given above in support of independent claims 1 and 15, and such indication is respectfully requested.

CONCLUSION

Based on the above remarks, the Applicant submits that the claims in their present form are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant respectfully requests allowance of the claims.

The Applicant believes no fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 210765.

Respectfully submitted,

/Douglas M. Grover/

SIGNATURE OF PRACTITIONER

Douglas M. Grover, Reg. No. 52,974
Setter Roche LLP
Telephone: (720) 562-2280
E-mail: doug@setterroche.com

Correspondence address:

CUSTOMER NO. 28004

Attn: Melissa A. Jobe
Sprint Law Department
6450 Sprint Parkway
Mailstop: KSOPHN0312-3A461
Overland Park, KS 66251